



THE UNITED KINGDOM CERTIFICATION AUTHORITY FOR ORGANICALLY PRODUCED FOODS

UNITED KINGDOM REGISTER OF ORGANIC FOOD STANDARDS

C/O DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS
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Mr A J Yates
Administrator
United States Department of Agriculture
Agricultural Marketing Services
STOP 0201 – Room 3471-S
1400 Independence Avenue, SW
Washington, DC
USA

28 August 2002

Dear Mr Yates

Thank you for your letter of 23 August about imports of organic produce from the US.

On 20 July my colleague Anne Freeman wrote as attached to the UK certifying bodies and to importers involved with trade in organic produce from the USA. Anne's letter emphasises that we shall not be able to continue to grant authorisation for import for organic goods that are certified solely to NOP standards. This is position whilst negotiations about the equivalence of the NOP and Regulation (EEC) 2092/91 are going on at EU/US level. However, she says that we are prepared to consider the reassessment of authorisations if a case can be made that, for the purposes of exports, standards that can be shown to be equivalent to 2092/91 are in use. This is the process we are currently going through. We have already received information from a number of US certifiers and are in touch with the European Commission.

It is therefore very helpful to have your reassurance that the NOP allows the production and certification of products to other standards, including 2092/91. This confirms what several certifiers have told us.

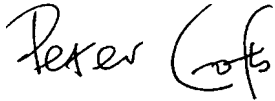
Regarding the operation of ISO 65 (EN 45011) it is also helpful to have your assurance that that the AMS audits for compliance require

participants to specify the relevant standards or requirements they will use in the certification of organic agricultural produce.

I am copying this letter and yours to the European Commission and to other EU states. Also to Deanna Ayala at the US Embassy in London, James Hughes at our Embassy in Washington and to Keith Jones at USDA.

Please be assured that we are not seeking to prohibit imports arbitrarily, but whilst negotiations at EU/US level on the equivalency of the NOP continue we need to be assured that effective arrangements are in place to ensure full compliance with Council Regulation (EEC) No 2092/91. I personally am keen that channels for trade can be kept open. I am happy to try to answer any further questions you have.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Crofts'. The signature is fluid and cursive, with the first name 'Peter' and the last name 'Crofts' clearly distinguishable.

P S Crofts
Secretary. UKROFS

Letter from Anne Freeman to Importers and Certifiers

To: All organic importers
UK Sector Bodies

29 July 2002

Dear Sir/Madam

UPDATE ON THE TRADE OF ORGANIC PRODUCE BETWEEN THE UK AND USA

On 18 April, I wrote to all importers holding authorisations to import produce from the USA or certified/inspected by US bodies about the effects the National Organic Program (NOP) would have on their authorisations. More recently, I wrote to importers who have submitted new applications to import organic produce from the USA or US certifiers, as well as those requesting amendments to current authorisations.

I thought it was appropriate to update all importers about the current situation.

1. BACKGROUND

The NOP will come fully into effect on 21 October 2002. From that date, agricultural products labelled as organic in the US must originate from farms or handling operations certified by a State or private body that has been accredited by the United States Department of Agriculture (USDA).

This affects both imports from the US, imports from other countries certified by US certifiers, and exports to the US.

2. IMPORTS

Article 11 of Council Regulation 2092/91 as amended, lays down the rules for importing organic products into the EU. There are two methods. Under Article 11(1), there is provision for third countries to be recognised by the EU as having equivalent production rules and inspection systems. Article 11(6) of Regulation 2092/91 allows the competent authorities in the Member States of the EU to issue import authorisations to importers who provide sufficient evidence that the imported products were manufactured to production rules and under an inspection system equivalent to those in the EU. This second method is the one currently used when importing products from the US.

As the US organic production and inspection standards will change on 21 October 2002, equivalency of the US standards with EU organic standards will have to be reassessed.

2.1 EFFECTS ON CURRENT IMPORT AUTHORISATIONS

As I indicated in my letter in April to importers holding current authorisations from the US/US certifiers, all current authorisations from the US/US certifiers will expire on **20 October 2002**.

Equivalency of the standards to which the products were produced must be reassessed. Only produce which has been produced and inspected to equivalent organic standards may be imported into the EU. Our assessment will determine whether an authorisation can be extended and whether any restrictions are necessary.

If you wish to extend the validity of the authorisation beyond 20 October 2002, you should ask your third country inspection and certification body to provide the following information:

- Details of the standards to which the products will be produced and inspected after 20 October 2002. Full details should be provided of whether the NOP standards will be applied or whether there are any other different standards to those laid down in the NOP.
- Details of any changes made to the standards in the last two years;
- Confirmation that the inspection and certification body has assessed the equivalence of their standards to the EU standards and has found them to be equivalent. Details should be provided of how this assessment was carried out and the main areas where the standards differ.

Although we will make every effort to expedite the reassessment of equivalency, importers should be aware that it will take some time. We may need to ask for further information from you and your inspection body.

Authorisations for produce inspected and/or certified by bodies who will be fully in compliance with the NOP after 21 October will not be extended until the equivalency assessment of the NOP has been completed. Authorisations for produce inspected and/or certified by bodies who are already or are about to become fully compliant with the NOP may be withdrawn earlier than 20 October. Decisions about authorisations for produce inspected and/or certified by bodies accredited under the NOP but who have private standards as well, will be made on an individual basis.

2.2 NEW APPLICATIONS OR REQUESTS FOR AMENDMENTS TO EXISTING AUTHORISATIONS

Importers who have recently submitted new applications or requests for existing authorisations to be amended will have received a letter requesting additional information before further processing can begin.

In a very similar process to that outlined above, we need to establish to which standards the organic produce was and will be produced. Again, only produce which has been and will be produced and inspected to equivalent organic standards may be imported into the EU. Our assessment will determine whether an authorisation can be issued, for how long it can remain valid and whether any restrictions are necessary.

If you intend to apply for a new application or amend an existing authorisation, you need to provide the information as detailed above.

Although we will make every effort to expedite the processing of new applications or requests for amendments, importers should be aware that the assessment of equivalency will take some time. We may need to ask for further information from you and your inspection body.

New authorisations for produce inspected and/or certified by bodies who are fully in compliance with the NOP will not be granted until the equivalency assessment of the NOP has been completed. Decisions about the granting of authorisations for produce inspected and/or certified by bodies accredited under the NOP but who have private standards as well, will be made on an individual basis.

2.3 ASSESSMENT OF THE EQUIVALENCE OF THE NOP

Work on the assessment of the equivalence of the NOP itself has already begun. However, as you will appreciate, it is a complex and time-consuming task. We are working closely with the Commission and our European colleagues to complete this work as quickly as possible.

3. EXPORTS

As indicated above, in order to be marketed in the US as organic, products must have been certified by a USDA accredited body.

A regularly updated list of the bodies accredited by the USDA is available on their website at:

www.ams.usda.gov/nop/Accreditation/ListofAccreditedCertifyingAgents.htm

A couple of UK sector bodies have applied for accreditation by the USDA. UKROFS has also applied on behalf of the UK Sector Bodies.

4. ACTION AT THE EUROPEAN LEVEL

All Member States are required to reassess the equivalence of current import authorisations. I understand all will be writing to their importers to advise them of this. All import authorisations in the EU granted for imports from the US and from US certifiers will expire on 20 October 2002.

The USDA has applied to the European Commission for recognition under Article 11(1) of Regulation 2092/91. The EU is going further by taking this opportunity to negotiate an agreement for the mutual recognition of organic standards. This would

greatly facilitate the trade in organic products between the US and EU. If these negotiations are successfully concluded it may no longer be necessary to apply for import authorisations from UKROFS for produce from the USA. However, any agreement is some way off.

5. CONCLUSION

You can find more information about the NOP on the internet at:

www.ams.usda.gov/nop/

We will keep you informed of progress.

Yours faithfully

Anne Freeman
Deputy Secretary UKROFS
Imports & European Affairs